

Part III.--Administrative, Procedural, and Miscellaneous

26 CFR 601.201: Rulings and determination letters.
(Also, Part I, § 7805; § 301.7805-1.)

Rev. Proc. 2005-76

SECTION 1. PURPOSE

The purpose of this revenue procedure is to extend the date by which a qualified retirement plan must be in operational compliance with a reforming plan amendment in order to be eligible for the treatment described in section 3.02 of Revenue Procedure 2005-23, 2005-18 I.R.B. 991, relating to the Supreme Court decision in Central Laborers' Pension Fund v. Heinz, 541 U.S. 739 (2004).

SECTION 2. BACKGROUND

Section 3.01 of Rev. Proc. 2005-23 provides that a qualified plan will not be treated as having failed to satisfy the requirements of § 401(a) of the Internal Revenue Code merely because an amendment that was adopted before June 7, 2004, violated § 411(d)(6) by adding or expanding a provision under which a suspension of benefits occurs. This treatment applies only if a reforming amendment is adopted and the plan complies operationally with the reforming amendment. Section 3.03(1) of Rev. Proc. 2005-23 provides that the reforming amendment must provide for the payment of retroactive benefits to an affected plan participant with respect to benefits that had accrued as of the applicable amendment date for the original amendment. Section 3.03(2) of Rev. Proc. 2005-23 provides that the plan must be in operational compliance with the reforming amendment by January 1, 2006, with respect to benefits payable

through December 31, 2005. Pursuant to section 3.04 of Rev. Proc. 2005-23, the plan must also provide an eligible participant, as described in section 3.04(2), with the opportunity to elect retroactively to commence the payment of benefits. The plan must provide notice of such election to each eligible participant on or before January 1, 2006.

SECTION 3. EXTENSION OF TIME TO SATISFY SECTION 7805(b) CONDITIONS

The date by which a plan must be in operational compliance with the reforming amendment in order to be eligible for certain treatment described in section 3.01 of Rev. Proc. 2005-23 is extended to January 1, 2007. Accordingly, the date as of which a plan must provide for the payment of retroactive benefits (as described in section 3.03(2) of Rev. Proc. 2005-23) is extended to January 1, 2007. In addition, the date on or before which a plan must provide notice to certain participants as described in section 3.04(4) of Rev. Proc. 2005-23 is extended to January 1, 2007.

SECTION 4. EFFECT ON OTHER DOCUMENTS

Rev. Proc. 2005-23 is modified.

SECTION 5. EFFECTIVE DATE

This revenue procedure is effective December 12, 2005.

DRAFTING INFORMATION

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